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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 RONALD FLYNN, on behalf of himself
12 and all others similarly situated,

13 Plaintiff,

14 vs.

15 SONY ELECTRONICS, INC., et al.,

16 Defendants.

CASE NO. 09cv2109-AJB (MDD)

ORDER ON JOINT MOTION
FOR DETERMINATION OF
DISCOVERY DISPUTE RE:
INSPECTION OF PLAINTIFF'S
COMPUTER

[ECF. NO. 127]

17 Before the Court is the joint motion of the parties, filed on October 22, 2012,
18 for determination of a discovery dispute regarding an inspection of Plaintiff's laptop
19 computer. (ECF No. 127). On November 5, 2012, a conference was held with counsel
20 in chambers regarding the discovery dispute.


21 Defendants are seeking to conduct a physical inspection of the laptop and to
22 examine the software configuration and settings. Defendants also seek to conduct a
23 forensic review of the user-created data files for potentially relevant files and
24 communications.

25 As discussed at the discovery conference, the Court is **GRANTING** the motion
26 for a physical inspection of the laptop. The inspection may be performed by
27 Defendants' expert and must be recorded from beginning to end. The Court also is
28 **GRANTING** the motion for an examination of the software environment including

1 settings and configurations. The parties are **ORDERED** to meet and confer and
2 produce a mutually acceptable protocol for the software inspection no later than
3 November 7, 2012. Finally, the Court is **DENYING** the motion for a forensic
4 examination of user-created files that may exist on the laptop. The Court finds that
5 Defendants have not made a sufficient showing of need for this level of intrusion.

6 IT IS SO ORDERED.

7 DATED: November 5, 2012

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10 Hon. Mitchell D. Dembin
11 U.S. Magistrate Judge
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